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INTELLECTUAL PROPERTY LAW  
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COMPETITION MATTERS

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DAVID S. FINE  
SENIOR LAW CLERK

August 25, 2003

Our File 1016.0080

Mail Stop PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: United States Patent Application Serial No. 09/814,584  
Entitled: PROBE CONSTRUCTION USING A RECESS (as amended)  
Inventor: Reed Gleason  
Filed: March 22, 2001

Dear Sir:

Enclosed for filing is a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 U.S.C. 1.137 (b). Also enclosed is our check payable to the Commissioner for Patents and Trademarks for the Petition to Revive in the current amount of \$640 for a small entity and an acknowledgment postcard.

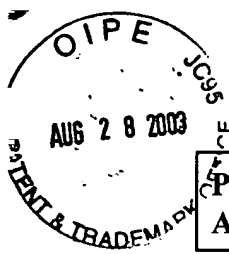
Please charge Deposit Account No. 03-1550 for any additional fees which may be required or credit any over payments to that account. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Kevin L. Russell

KLR:djs  
Enclosures

RECEIVED  
AUG 29 2003  
OFFICE OF PETITIONS



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 U.S.C. 1.137(B)**

Docket No.  
KLR 1016.0080

Applicant: Reed Gleason

Group Art Unit: 3729

Serial No.: 09/814,584

Examiner: Rick Kiltae Chang

Filed: March 22, 2001

Title: PROBE CONSTRUCTION USING A RECESS (as amended)

August 25, 2003

Mail Stop Petitions  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application became abandoned for failure to timely file a response to the outstanding office action within the statutory period of three months from the mailing date of the Office Action dated March 17, 2003. The abandonment date of this application is March 18, 2003 (i.e. the day after the expiration date set for reply).

**APPLICANT HEREBY PETITIONS  
FOR REVIVAL OF THIS APPLICATION**

1. **Petition fee**
  - ☒ Small entity fee of \$ 650 (37 C.F.R. 1017(m))
  - ☐ Small entity statement enclosed herewith.
  - ☐ Small entity statement previously filed.
  - ☒ Other than small entity fee \$ \_\_\_\_\_; (37 C.F.R. 1.17(m))
2. **Reply and/or fee**
  - A. The reply and/or fee to the above-noted Office Action in the form of an Amendment:
    - ☐ has been filed previously on \_\_\_\_\_, and/or
    - ☒ is enclosed herewith.
  - B. The issue fee of \$ \_\_\_\_\_:
    - ☐ has been paid previously on.
    - ☐ is enclosed herewith.
3. **Terminal disclaimer with a disclaimer fee**
  - ☐ Since this utility/plant application was filed on or after June 8, 1995 no terminal disclaimer is required.

01/25/2003 00000036 09014584

01 F012453

650.00 00

PETITION TO REVIVE

01/25/2003 00000036 09014584  
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- ☐ A terminal disclaimer (and disclaimer fee (37 C.F.R. 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

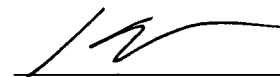
4. **Statement:**

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

Notes: Where a petition under 37 C.F.R. 1.137(b) is filed:

- (1) more than three months from the date the applicant is first notified that the application is abandoned explain (on an attached sheet) in detail the cause of the delay in filing the petition;
- (2) more than one year from the date of abandonment, explain (on an attached sheet) in detail how the delay in discovering the abandonment status occurred and indicate the date that applicant first became aware of the date of abandonment.

Dated: August 25, 2003



Kevin L. Russell  
Reg. No. 38,292  
Chernoff Vilhauer McClung & Stenzel  
1600 ODS Tower  
601 SW Second Avenue  
Portland, Oregon 97204  
Tel. No. (503) 227-5631

Enclosures: ☒ Reply;  
☒ Fee Payment: Petition to Revive \$650;  
☒ Petition for Extension and Amendment in response to March 17, 2003 OA;  
☒ Acknowledgment Postcard.

**CERTIFICATE OF UNDER 37 CFR §§ 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:  
☒ deposited with the United States Postal Service in an envelope addressed to:  
The Director of Patents, P.O. Box 1450, Alexandria, VA 22313 on August 25, 2003  
☒ with sufficient postage as first class mail  
☐ as "Express Mail Post Office to Addressee" - mailing label no.  
☐ transmitted by facsimile to the Patent and Trademark Office.

Date: August 25, 2003

  
Kevin L. Russell

PETITION TO REVIVE

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AUG 29 2003  
OFFICE OF PETITIONS



3729/\$

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/814,584	
	<b>Filing Date</b>	March 22, 2001	
	<b>First Named Inventor</b>	Reed Gleason	
	<b>Group Art Unit</b>	3729	
	<b>Examiner Name</b>	Rick Kiltae Chang	
<b>Total Number of Pages in this Submission</b>		<b>Attorney Docket Number</b>	1016.0080

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee transmittal <input checked="" type="checkbox"/> Fee attached form	<input type="checkbox"/> Assignment Papers (for an application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Amendment <input type="checkbox"/> After Final/ Response	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Licensing Related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosures (identify below)
<input type="checkbox"/> Certified copy of Priority Documents	<input type="checkbox"/> Terminal Disclaimer	Acknowledgment Postcard.
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Request for Refund	
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
<b>Firm or Individual Name</b>	Kevin L. Russell of Chernoff Vilhauer McClung & Stenzel, LLP
<b>Signature</b>	
<b>Date</b>	August 25, 2003

CERTIFICATE OF MAILING			
I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to: MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.			
<input checked="" type="checkbox"/> with sufficient postage as first class mail <input type="checkbox"/> as "Express Mail Post Office to Addressee" - mailing label no. _____			
<b>Type or print name</b>	Kevin L. Russell		
<b>Signature</b>		<b>Date</b>	August 25, 2003

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SEP 03 2003

# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Complete If Known

Application Number 09/814,584  
Filing Date March 22, 2001  
First Named Inventor Reed Gleason  
Examiner Name Rick Kiltae Chang  
Art Unit 3729  
Attorney Docket No. 1016.0080

☒ Applicant claims small entity status. See 37CFR 1.27

TOTAL AMOUNT OF PAYMENT \$465

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number 03-1550

Deposit Account Name Chernoff Vilhauer McClung & Stenzel

The Commissioner is authorized to: (check all that apply)

☒ Charge fees indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge any fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			\$0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
-20** =	0 x	9 =	0
Indep. Claims	-3** =	0 x	42 =
			0
Multiple Dependent			0

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	**Reissue independent claims over original patent	
1205 18	2205 9	*Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			\$0

\*\*or number of previously paid, if greater. For reissues, see above.

## FEE CALCULATION (continued)

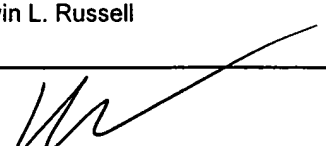
### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge-late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex-parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1840*	1805 1840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	465
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt.	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 C.F.R. 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
SUBTOTAL (3)			\$465

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Complete (if applicable)

Name (print type)	Kevin L. Russell	Registration No.	38,292	Telephone	(503) 227-5631
Signature		Date	August 25, 2003	RECEIVED	

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